IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21909 of 2004

Between:

Smt. Gunreddy Pushpalatha W/o Ravinder Reddy
R/o Tammadapally(G) Village Zafargadh Mandal, Warangal

District

..... PETITIONER

AND

1 The District Collector (Civil Supplies) Warangal District at Warangal
2 Revenue Divisional Officer, Warangal
3 Mandal Revenue Officer, Zafargadh Mandal, Warangal District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the order in Procdgs No.E/2668/2004 dt 17-8-2004 on the file of the 2nd respondent as being illegal, arbitrary, violative of Principles of natural justice and also violative of Article 14 of the constitution of India and consequently set aside the same.

Counsel for the Petitioner:MR.K.RAGHUVEER REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner is a Fair Price Shop Dealer of Tammadapally (G) Village of Zafargadh Mandal, Warangal District. Her authorization was suspended by the 2nd respondent through proceedings, dated 17.08.2004. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Normally, this Court would be reluctant to interfere with the orders of suspension, and the aggrieved party has to avail the remedy of appeal. A perusal of the order, dated 17.08.2004, discloses that the 2nd respondent suspended the authorization of the petitioner solely on the letter, dated 09.08.2004, addressed by the Collector (Civil Supplies).

It is debatable as to whether a show cause notice is required to be issued before the authorization of a fair price shop dealer is suspended. Much would depend on the nature of suspension, namely, whether it is resorted to as a measure, pending enquiry, or as a substantive punishment by itself. Be that as it may, even where a suspension can be resorted to without the necessity of issuing any notice, the appointing authority has to apply its mind and has to come to independent conclusion that it is no longer safe to continue the fair price shop dealer. Since such a course would be an extraordinary measure, the satisfaction of the appointing authority is required to be objective. In the present case, except making a reference to the letter addressed by the Collector (Civil Supplies), the 2nd respondent did not

consider the matter objectively nor was any decision taken by him on his own accord. Therefore, the order under challenge cannot be sustained in law.

The writ petition is allowed and the impugned order is set aside. However, it is left open to the 2nd respondent to take steps against the petitioner in accordance with law, if he comes to an independent conclusion that there are any irregularities on the part of the petitioner. There shall be no order as to costs

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L.NARASIMHA REDDY, J

Dated : 30th November, 2004

Note: Office to furnish copy

in two days.

(B/o.)

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To

1 The District Collector (Civil Supplies) Warangal District at

Warangal
2 Revenue Divisional Officer, Warangal
3 Mandal Revenue Officer, Zafargadh Mandal, Warangal

District

4 2 CCS to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

5 2CD copies